

PROCEEDINGS OF THE CITY PLANNING COMMISSION

August 16, 2024

Regular Meeting

A regular meeting of the Cincinnati City Planning Commission for Friday, August 16, 2024 was held in the Council Chambers of City Hall, 801 Plum Street, Cincinnati, Ohio 45202 and virtually on Zoom.

The manner of remote participation complied with all requirements of the Open Meetings Act. The meeting could be watched in real time on CitiCable or by livestreaming the meeting at www.cincinnati-oh.gov/media. Members of the public were invited to participate in-person or by registering online to receive the Zoom link. Public comments and questions to be shared with the City Planning Commission could be submitted to the Department of City Planning and Engagement in advance of the meeting.

Present: Ms. Byron Stallworth, Chair
Ms. Daniella Beltran, Commissioner
Mr. John Eby, Commissioner (via Zoom)
Vice Mayor Ms. Jan-Michele Lemon Kearney, Commissioner (via Zoom)
Mr. Jacob Samad, Vice Chair
Assistant City Manager, Mr. William "Billy" Weber, Commissioner

Excused: Ms. Anne Sesler, Commissioner

Staff Present: Ms. Katherine Keough-Jurs, City Planning & Engagement, Director
Mr. David Sturkey, Law, Legal Counsel
Ms. Stacey Hoffman, City Planning & Engagement, City Planning Division Manager
Ms. Emily Burns, City Planning & Engagement, City Planner
Ms. Gabrielle Couch, City Planning & Engagement, City Planner
Ms. Maria Dienger, City Planning & Engagement, Senior City Planner
Mx. Sophia Ferries-Rowe, City Planning & Engagement, City Planner
Mr. Kyle Gibbs, City Planning & Engagement, City Planner
Mr. Andrew Halt, City Planning & Engagement, Senior City Planner
Mr. Jesse Urbancsik, City Planning & Engagement, Senior City Planner
Ms. Ashlie Wilkson, City Planning & Engagement, Senior Administrative Specialist

Mr. Stallworth called the meeting to order at 9:02 a.m. and asked that everyone join in the Pledge of Allegiance.

Minutes

Commission Action:

Approved the minutes from the May 17, 2024 meeting.

Motion: Mr. Eby
Second: Mr. Samad
Ayes: Mr. Eby, Ms. Beltran, Mr. Samad, Mr. Stallworth, Mr. Weber
Nays: None
Absent: Ms. Kearney
Excused: Ms. Sesler

Commission Action:

Approved the minutes from the June 21, 2024 meeting.

Motion: Mr. Samad
Second: Mr. Weber
Ayes: Mr. Eby, Mr. Samad, Mr. Stallworth, Mr. Weber
Nays: None
Abstained: Ms. Beltran
Absent: Ms. Kearney
Excused: Ms. Sesler

Commission Action:

Approved the minutes from the July 19, 2024 meeting.

Motion: Mr. Samad
Second: Mr. Eby
Ayes: Mr. Eby, Ms. Beltran, Mr. Samad, Mr. Stallworth, Mr. Weber
Nays: None
Absent: Ms. Kearney
Excused: Ms. Sesler

Consent Agenda – Legislative

ITEM 1

A report and recommendation on a proposed lease amendment for Findlay Market in Over-the-Rhine. The Department of City Planning and Engagement staff recommended that the City Planning Commission:

APPROVE the proposed lease amendment for Findlay Market in Over-the-Rhine.

Commission Action:

Moved to approve the staff's recommendation for Item 1 on the Legislative Consent Agenda.

Motion: Mr. Samad
Second: Mr. Weber
Ayes: Mr. Eby, Ms. Beltran, Mr. Samad, Mr. Stallworth, Mr. Weber
Nays: None
Absent: Ms. Kearney
Excused: Ms. Sesler

Mr. Stallworth addressed the Commission and stated Items 2 & 3 were related to the same proposed development and requested to hold discussion until after Item 3 was presented.

Ms. Kearney joined the meeting at 9:09 a.m. and was recused from Items 2 & 3 and placed in the Zoom waiting room.

Discussion Agenda – Legislative

ITEM 2

Ms. Couch presented a report and recommendation on a proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill. The Department of City Planning and Engagement staff recommended that the City Planning Commission:

- 1) **ADOPT** the Department of City Planning and Engagement Findings as detailed in the staff report; and
- 2) **APPROVE** the Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in the staff report.

Discussion Agenda – Quasi-Judicial

ITEM 3

Ms. Couch presented a report and recommendation on a proposed Final Development Plan for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill. The Department of City Planning and Engagement staff recommended that the City Planning Commission:

- 1) **ADOPT** the Department of City Planning and Engagement Findings as detailed in the staff report; and
- 2) **APPROVE** the proposed Final Development Plan for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill.

Mr. Sturkey swore the speakers in as Item 3 was a quasi-judicial item.

Speakers and Discussion:

Mr. Sean Suder, legal representative for the applicant, provided opening statements regarding the need for the development despite opposition from some residents. Mr. Suder explained that developing condominiums was not economically feasible and said the proposal was the product of neighborhood feedback and was compatible with the surrounding land uses. Mr. Suder concluded by introducing Mr. J.P. Burleigh, legal representative for the applicant, to conduct the remainder of the hearing.

Ms. Christi Lanier-Robinson, with LDG Development and a member of the applicant team, provided a brief history of LDG Development and their area of expertise. Ms. Lanier-Robinson explained the process of holding assets as an affordable housing developer and explained the

services that would be provided to the community. Mr. Samad asked about the growth of investment from the first development to new development in different cities and how the applicant grew their relationships with each city they were developing in. Ms. Lanier-Robinson stated each city had different needs and explained the applicant's community engagement approach to identify those needs to develop a product that would be safe, affordable, and economically beneficial. Mr. Stallworth asked if the applicant had experienced community backlash at any point. Ms. Lanier-Robinson stated there had been experiences of community backlash but confirmed that the applicant worked to resolve any issue. Mr. Stallworth asked about inclusionary goals. Ms. Lanier-Robinson emphasized the applicant's commitment to exceeding minority procurement goals in construction projects. Ms. Beltran asked if other neighbors that did not directly live at the development could make use of the services offered at the applicant's development. Ms. Lanier-Robinson confirmed that surrounding neighbors did use the services offered and stated the applicant encouraged neighborhood usage.

Mr. Jordan Chambers, Development Coordinator with LDG Development and a member of the applicant team, stated three community engagement meetings were held since the June 21, 2024 City Planning Commission meeting. Mr. Chambers stated all feedback was collected and individually responded to and confirmed the applicant was working with the Bond Hill Community Council on a community benefits agreement. Mr. Stallworth asked how the community felt about the proposed project after the additional community engagement meetings. Mr. Chambers stated he believed the meetings went well and were productive for both the applicant and the community. Ms. Beltran asked how the additional community engagement meetings were promoted and advertised to encourage community participation. Mr. Chambers stated individual letters were sent to surrounding properties along with letters to the Homeowners Association (HOA) President of The Villages of Daybreak.

Ms. Esther Wermer, Development Coordinator with LDG Development and a member of the applicant team, highlighted the changes made to the proposed design based on community feedback. Mr. Samad asked how many changes were made based on feedback in comparison to other projects. Ms. Wermer stated the applicant made changes to other projects, citing a Columbus development and stated the applicant was willing to make changes when necessary. Ms. Beltran asked why the applicant chose to reduce building one on the site plan. Ms. Wermer stated the applicant chose to reduce building one due to community concerns and explained the ease of reduction.

Mr. Steve Gagliardi, Architect with Berardi Partners and a member of the applicant team, addressed sustainability concerns, including water runoff and site accents, and noted how the parking additions would impact drain issues. Ms. Beltran asked if there were considerations of access to the playground and clubhouse surrounded by parking. Mr. Gagliardi confirmed considerations of access were made and said accessible spaces and walks to those specific sites were provided.

Mr. Jonathan Evans, Civil Engineer with Evans Engineering and a member of the applicant team, stated all concerns and comments from city departments and staff were addressed during the City's coordinated site review. Mr. Stallworth asked how the applicant would address water runoff from the proposed additional parking. Mr. Evans reassured similar management of storm water.

Mr. Todd Kinskey, with ZoneCo LLC and a witness for the applicant, stated that apartments were a good use for the subject site due to the nearby retail and mixed-use developments. Mr. Kinskey highlighted the compatibility of the proposed project with the surrounding land use patterns and stated he believed the project promoted quality, affordable housing in the City. Mr. Kinskey disputed claims that the new development would lower property values, citing Harvard University and the Urban Land Institute (ULI) studies, and stated the Low-Income Housing Tax Credit (LIHTC) investments were a leading indicator of a community on the rise, with no evidence to support decreased property values.

Mr. Rick Kimbler, current owner and a witness for the applicant, provided a brief history on how he acquired the property and stated the approved concept plan was not economically viable. Mr. Kimbler stated some developers expressed interest in developing assisted living but said the scale and financing concerns persisted. Mr. Stallworth asked if Mr. Kimbler attended any of the community engagement meetings. Mr. Kimbler confirmed he attended all the community engagement meetings.

Ms. Angela Howard, a resident of The Villages of Daybreak, expressed concerns about density and insufficient time for feedback on the proposed project. Ms. Howard stated the community had an abundance of affordable housing and said the community opposed the proposed development due to the lack of engagement and concerns about community morale, preparedness, and benefit. Ms. Howard said she would like to prioritize homeownership on the subject site and expressed community concerns about the land development plan.

Ms. LaKeshia Walker, a resident of The Villages of Daybreak, stated she believed the applicant's community engagement was insufficient and said her property would be directly affected, as the development site was located behind her house. Ms. Walker expressed frustration and stated the community was promised the development of single-family homes or condos and shared her concern about her privacy.

Ms. Tara Harris, a resident of The Villages of Daybreak, stated she opposed the proposed project due to concerns about property values and living conditions. Ms. Harris also expressed concerns about overcrowding and lack of amenities in the neighborhood.

Mr. William Brown, a resident of The Villages of Daybreak, stated his concern of increased traffic due to the new development and said he opposed the proposed development, citing health and community risks.

Ms. Angelica Hardee, a Bond Hill resident and the Vice President of Community Impact at the American Heart Association, expressed opposition to the proposed development and highlighted health concerns in the community due to overcrowding.

Mr. Jason Dunn, a resident of The Villages of Daybreak, stated the promises made to the Bond Hill community and The Villages of Daybreak to develop single-family homes were not kept and said he believed that to be intentional. Mr. Dunn stated The Port Authority owned the largest parcel of land in the neighborhood and had not invested in or maintained it. Mr. Dunn stated he believed that modern-day redlining by area banks limited investment and perpetuated the community's underdevelopment.

Ms. Daphne Ware, a resident of The Villages of Daybreak, stated her concerns about increased traffic safety and safety due to the development.

Ms. Keeyana Avery, a resident of The Villages of Daybreak, stated she and her neighbors have concerns about the proposed development and expressed disappointment in the proposed apartment building, citing a lack of transparency and potential noise disturbance for her family. Ms. Avery also expressed frustration with the lack of community engagement in the proposed development.

Ms. Patricia Moore, property owner at 1861 Sunwalk Drive, expressed concern about the applicant's trustworthiness due to the lack of community support and profit-driven motives and said she opposed the proposed development because of the lack of affordable home ownership.

Mr. Eby left the meeting at 11:20 a.m.

A recess was taken at 11:20 a.m. The session resumed at 11:29 a.m.

Ms. Charlene Davis, a Board of Trustees member for The Villages of Daybreak, stated that the applicant's attorney falsely claimed efforts of community engagement, despite no follow-up meetings or consideration of homeowner's concerns. Ms. Davis also stated the homeowners and condominium owners near the development site were concerned about the discrepancies in the height of the buildings and potential violations and fiduciary responsibility of the conservation easement.

Ms. Mary Hall, a nearby resident, expressed concerns about the new development in her community, citing potential negative impacts on property values and long-term wealth. Ms. Hall

shared personal experiences with new neighbors and traffic concerns and highlighted the need for responsible development in the community.

Ms. Angie Quebman, real estate agent with Keller Williams and listing agent for the subject property, stated builders rejected the proposal to build 26 single-family homes on the subject site due to high costs and limited profit potential. Ms. Quebman stated there were 12 remaining single-family lots in The Villages of Daybreak that were sold at a deep discount and estimated that building single-family homes in The Villages of Daybreak would require a price point of around \$550,000 to \$650,000 per lot to recuperate the cost of construction given the current market conditions and infrastructure in place.

Mr. Burleigh called upon Ms. Lanier-Robinson to rebut statements regarding the applicant's reputation in other cities. Ms. Lanier-Robinson stated the applicant had a good reputation despite negative media reports and confirmed that once the applicant became aware of concerns, a new property management company was brought in. Mr. Burleigh asked if the applicant could make any further changes in density while making the proposed project feasible. Ms. Lanier-Robinson stated the number of units could not be reduced further without compromising the staff necessary to maintain the facility. Ms. Beltran asked how the management company involved in maintaining the facility was selected. Ms. Lanier-Robinson explained the general management company selection process and stated the requirement to meet the criteria of familiarity with the market with a solid track record of managing affordable housing developments.

Mr. Burleigh called upon Mr. Chambers to rebut statements regarding the suggestion that the applicant's community engagement meetings were not meaningful. Mr. Chambers stated the applicant made the decision to postpone the item for discussion at the July 19, 2024 City Planning Commission meeting due to resident feedback at the second community outreach meeting and instead, held a third community outreach meeting to make design changes based upon the feedback received. Mr. Burleigh asked if alternative sites were evaluated for the proposed development. Mr. Chambers confirmed that another site was evaluated for development but was owned by The Port, who confirmed there was no interest in residential development at the location.

Mr. Stallworth asked Mr. Kimbler how he was introduced to the applicant that was headquartered in Louisville, Kentucky. Mr. Kimbler stated the applicant connected with Ms. Quebman.

Mr. Burleigh provided closing statements and stated the proposed development was a \$45 million investment on a vacant site. Mr. Burleigh stated that although the residents preferred townhomes or single-family homes, the site was zoned for 10 buildings of five-unit attached condos. Mr. Burleigh also stated that reducing the unit count from 168 to 150 was significant for the developer's business and impacted the ability to provide housing for people in need. Mr. Burleigh reiterated testimony from Mr. Kinskey that suggested multifamily development was a good land use for the subject site despite concerns about property values. Mr. Burleigh also reiterated the changes the

applicant made to address residents' concerns by removing the initially proposed pool, moving the location of the clubhouse, and adding green space and said the proposed development would have less of an impact from a traffic perspective than the currently approved concept plan.

Mr. Weber acknowledged the concerns voiced regarding pedestrian and vehicular safety and stated the City Administration's commitment to working with City staff to address traffic calming measures. Ms. Beltran highlighted the intersection's potential as a key point for business revitalization.

Commission Action:

Moved to approve the staff's recommendations for Item 2 on the Legislative Discussion Agenda.

Motion: Mr. Weber
Second: Ms. Beltran
Ayes: Ms. Beltran, Mr. Samad, Mr. Weber
Nays: Mr. Stallworth
Excused: Mr. Eby, Ms. Sesler
Recused: Ms. Kearney

Commission Action:

Moved to approve the staff's recommendations for Item 3 on the Quasi-Judicial Discussion Agenda.

Motion: Mr. Weber
Second: Mr. Weber
Ayes: Ms. Beltran, Mr. Samad, Mr. Weber
Nays: Mr. Stallworth
Excused: Mr. Eby, Ms. Sesler
Recused: Ms. Kearney

Ms. Kearney returned to the meeting via Zoom.

Other Business

ITEM 4

Ms. Keough-Jurs stated that Item 4 would be held until the next City Planning Commission meeting due to quorum issues.

Director's Report

Ms. Keough-Jurs thanked the City Planning Commission for their time and announced that the next City Planning Commission meeting might be cancelled due to the lack of items.

The meeting adjourned at 12:27 p.m.

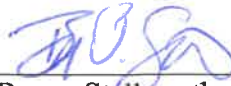
APPROVAL OF THE PROCEEDINGS OF THE CITY PLANNING COMMISSION

August 16, 2024

The minutes for the August 16, 2024 Regular Meeting are approved as distributed.



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement



Byron Stallworth, Chair
City Planning Commission

Date: 9/20/2024

Date: 20 SEP 2024